

TITLE 8. EDUCATION

UNIVERSITY OF VIRGINIA

Final Regulation

REGISTRAR'S NOTICE: The University of Virginia is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 A 6 of the Code of Virginia, which exempts educational institutions operated by the Commonwealth.

Title of Regulation: **8VAC85-30. Open Burn and Open Flame Operations (adding 8VAC85-30-10 through 8VAC85-30-80).**

Statutory Authority: § 23.1-1301 of the Code of Virginia.

Effective Date: December 1, 2017.

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Summary:

The regulation establishes the requirements and permitting process for open burn and open flame devices on the property of the University of Virginia.

CHAPTER 30

OPEN BURN AND OPEN FLAME OPERATIONS

8VAC85-30-10. Definitions.

The following words or terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Open burning" means the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Examples include campfires, bon fires, and fire pits.

"Open flame" and "open flame devices" means candles, tiki torches, oil lanterns, and similar items.

"University" means the University of Virginia, including its Medical Center.

"University facility" means any defined space of the university, including a room, lab, series of labs, building, or controlled outdoor area.

"University Medical Center" or "Medical Center" means the hospital and all other buildings that make up the Medical Center, such as facilities used for administrative, clinical, or lab activities.

"University property" means land or buildings that the university owns or leases and that are under the direct control of the Board of Visitors of the University of Virginia. University property also includes premises the university uses for activities of its offices, departments, personnel, or students.

8VAC85-30-20. Open burning.

Unless otherwise permitted under this chapter, a person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless it is (i) approved by the university's Office of Environmental Health and Safety or the Medical Center Fire Protection Inspector's Office as appropriate and (ii) conducted in accordance with the Virginia Statewide Fire Prevention Code

(13VAC5-51), Chapter 9 (§ 27-94 et seq.) of Title 27 of the Code of Virginia, and applicable local city and county codes and regulations.

8VAC85-30-30. Open flame and open flame devices.

A. Unless otherwise permitted under this chapter, a person shall not use an open flame or open flame device unless it is (i) approved by the Office of Environmental Health and Safety or the Medical Center Fire Protection Inspector's Office as appropriate, (ii) conducted in accordance with applicable university or Medical Center procedures, and (iii) conducted in accordance with the Virginia Statewide Fire Prevention Code (13VAC5-51).

B. A person shall not use an open flame or open flame device in any place where flammable, combustible, or explosive material is utilized or stored.

C. Open burn and open flame device use and operation in any university facility or on university property must be operated and managed in accordance with this chapter.

D. Users of cutting torches and welding equipment must satisfy requirements outlined in 13VAC5-51-31.

8VAC85-30-40. Requests for permission.

A. A request must be made to the university's Office of Environmental Health and Safety (EHS) or the Medical Center Fire Protection Inspector's Office for the purpose of an open burn and open flame device use and operation. EHS or the Medical Center Fire Protection Inspector will review the request to ensure the open burn and open flame device is used in accordance with and meets the requirements of (i) the Virginia Statewide Fire Prevention Code (13VAC5-51), (ii) § 10.1-1142 of the Code of Virginia, (iii) EHS procedures, (iv) Medical Center procedures, and (v) applicable local city and county codes and regulations.

B. Each request will be reviewed (i) to ensure the safety of the university's faculty, staff, students, patients, and visitors and (ii) for stewardship of the university's facilities and property.

C. EHS or the Medical Center Fire Protection Inspector shall notify the requesting party of the approval or denial of a request for permission granted under this section permitting an open burn or use of an open flame or open flame device. EHS or the Medical Center Fire Protection Inspector shall concurrently notify the University Police Department of any approval or denial under this section and confirm receipt by the University Police Department.

8VAC85-30-50. Persons lawfully in charge.

In addition to university personnel responsible for the management or supervision of university property and activities, the fire code representative from the university's Office of Environmental Health and Safety or the Medical Center Fire Protection Inspector's Office (or designee) or university law-enforcement officers are lawfully in charge of university property and facilities for purposes of:

1. Forbidding entry upon university property or into a university facility while conducting open burning or while in possession of an open flame or open flame device;
2. Prohibiting remaining upon university property or within a university facility while conducting open burning or while in possession of an open flame or open flame device; and
3. Ordering any fire that is deemed as noncompliant with this chapter or that creates a hazard or nuisance to be extinguished.

8VAC85-30-60. Exemptions.

The following are exempted from the requirements of this chapter:

1. Outdoor cooking operations where propane and charcoal are used in a safe manner. Ashes, cinders, and coals shall be disposed of in an approved manner. Disposal guidelines are available from the university's Office of Environmental Health and Safety (EHS) or the Medical Center Fire Protection Inspector.
2. Indoor and outdoor use of Sterno for the purpose of warming foods. Such use should be maintained and operated in an approved manner. Operating guidelines are available from EHS or the Medical Center Fire Protection Inspector.
3. Laboratory flame producing equipment.

8VAC85-30-70. Compliance.

Failure to comply with the requirements of this chapter may result in disciplinary action up to and including termination or expulsion in accordance with relevant university policies and may result in prosecution in accordance with state and federal law.

8VAC85-30-80. Procedure.

A. Academic Division. All requests for the use and operation of an open burn or an open flame device must be submitted to the university Office of Environmental Health and Safety at least three weeks prior to the proposed activity. Review of proposals of a routine nature (i.e., similar to previously approved activities) may be expedited at the discretion of EHS. Requests may be submitted by calling 434-243-1711; emailing fire-safety@virginia.edu, or completing and submitting the appropriate form provided by the Office of Environmental Health and Safety.

B. Medical Center. All requests for the use and operation of an open burn and open flame device at the Medical Center must be submitted to the Medical Center Fire Protection Inspector by calling 434-982-6420 or emailing the request to aco9m@virginia.edu as soon as possible.

C. Additional requirements may apply at the discretion of the fire code representative from EHS or Medical Center Fire Protection Inspector's Office.